

House Bill 4360

Sponsor: Rep. Shirley Johnson

Committee: Judiciary

Complete to 4-15-93

A SUMMARY OF HOUSE BILL 4360 AS INTRODUCED 2-24-93

The bill would amend the Code of Criminal Procedure to require each police agency to implement by January 1, 1994 a written policy on police response to domestic violence calls. A policy would have to reflect that domestic violence is criminal conduct. Each police agency would have to consult with an area shelter for victims of domestic violence in developing, implementing, and evaluating its policy, and in training its officers in the policy.

Each policy would have to include at a minimum procedures for all of the following:

**** Conducting a criminal investigation with specific standards for misdemeanor and felony arrests.**

**** Making criminal arrests.** Procedures would have to emphasize that in most circumstances, an officer should arrest a person if there was probable cause to believe that the person had committed domestic violence and his or her actions constituted a crime. When it appeared that the individuals involved had committed crimes against each other, the officer, when determining whether to arrest one or both of the individuals, should consider the bill's intent to protect victims of domestic violence, the relative degree of injury or fear inflicted on the individuals involved, and any history of domestic violence between the individuals. Procedures also would have to emphasize that an officer should not arrest someone if there was reasonable cause to believe that he or she was acting in self-defense or defense of another; that an arrest decision should not be based on the consent of the victim to any subsequent prosecution or on the relationship of the individuals involved; and that a decision not to arrest someone should not be based solely upon the absence of visible injury.

**** Denial of interim bond, as provided by the interim bond statute. (Public Act 308 of 1990 amended that statute to require that a person arrested under warrant for domestic assault be held either until arraigned or until 20 hours have passed, whichever was sooner.)**

**** Making an arrest for a violation of a domestic abuse injunction, and procedures for verification of an injunction.**

**** Emergency assistance to victims, including medical care, transportation to a shelter, or remaining at the scene until further violence was no longer imminent. The assistance is to be available whether or not the officer had decided that no probable cause existed for an arrest.**

**** Informing the victim of community services and legal options as required by the Code of Criminal Procedure. (Public Act 222 of 1985 amended the code to require a police officer on the scene to give a domestic violence victim a written statement on his or her rights and the availability of services.)**

**** Preparing a written report, whether or not an arrest was made, to document the presence or absence of probable cause for making an arrest.**

**** Training of peace officers, dispatchers, and supervisors.**

**** Discipline for noncompliance with the policy.**

**** Annual evaluations of the policy.**

The local policies developed under the bill would have to be put in writing and made available to the public upon request.

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